REMARKS

I. General

Claims 1-102 are pending in the present application. Claims 1-102 stand rejected under 35 U.S.C. § 102. Applicant respectfully traverses the rejections of record.

II. The 35 U.S.C. § 102 Rejections

Claims 1-102 stand rejected under 35 U.S.C. § 102 as being anticipated by Falcone et al., United States patent number 6,836,540 (hereinafter *Falcone*). Applicant respectfully traverses the rejections of record.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the Examiner has the burden of establishing a *prima facie* case of anticipation, *see In re Skinner*, 2 USPQ2d 1788, 1788-89 (B.P.A.I. 1986) (stating, "[i]t is by now well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office"). The Examiner has not established a *prima facie* case of anticipation with respect to the present claims in view of *Falcone*.

Moreover, Appellant respectfully points out that the rejections of record do not comport with Office Policy. According to M.P.E.P. § 707.07(d), "[a] plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group." Here, the Examiner grouped claims 1, 36, 71, and 90 in a common rejection even though each of these claims recites different limitations, Office Action at page 3. Similarly, the Examiner has also improperly grouped together claims 2-35, 37-70, 72-89, and 91-102, *Id.* As a result, many pending claims recite distinct limitations that remain unaddressed by the rejections of record.

A. The Independent Claims

Claim 1 recites "querying information regarding a status of a calling service associated with said destination point . . . ." The rejection of record relies upon disclosure in

Falcone teaching processing the dialed number to determine whether payment may be received for the collect telephone call, Office Action at page 3. The foregoing does not provide information regarding the status of a calling service associated with the destination point, nor has the Examiner shown otherwise. Even assuming, *arguendo*, that a collect call comprises a calling service, the portion of *Falcone* relied upon in rejecting the claim does not teach determining a collect call status associated with the destination point. For example, a determination with respect to whether payment may be received for the collect telephone call is not determinative of whether a collect call may be placed. Consistent with the foregoing, *Falcone* appears to be directed to determining if payment may be received in order to avoid placing collect calls for which payment will not be received, see column 1, lines 61-62, and column 9, lines 44-65. Clearly, information regarding a status of a calling service associated with the destination point is not provided by the disclosure of *Falcone* relied upon in rejecting the claim.

Claim 36 recites operation to "query information regarding a status of a call redirecting service associated with a called number . . . ." Claim 71 recites a similar limitation. The rejection of record relies upon the above discussed disclosure of *Falcone* which teaches processing the dialed number to determine whether payment may be received for the collect telephone call, Office Action at page 3. There is simply nothing in the disclosure identified in the rejection of record to teach information regarding a status of a call redirecting service associated with a called number. As such, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established.

Claim 90 recites "obtaining information with respect to a called number . . . said information being indicative of a configuration associated with said called number but not indicative of a call completion status of said called number . . . ." The rejection of record again relies upon the above discussed disclosure of *Falcone* which teaches processing the dialed number to determine whether payment may be received for the collect telephone call, Office Action at page 3. There is simply nothing in the disclosure identified in the rejection of record to teach information being indicative of a configuration associated with said called number. As such, a *prima facie* case of anticipation under 35 U.S.C. § 102 has not been established.

B. The Dependent Claims

Claims 2-35, 37-70, 72-89, and 91-102 depend directly or indirectly from respective ones of claims 1, 36, 71, and 90. As shown above, a *prima facie* case of anticipation has not been established with respect to the base claims. As the dependent claims incorporate the limitations of the base claims from which they depend, the dependent claims are asserted to be patentable at least for the reasons set forth above. Moreover, the dependent claims are asserted to introduce new and non-obvious limitations which are not shown to be in the applied art in the rejections of record.

For example, the rejections of record do not address the particular calling services set forth in claims 2-13, claims 37-38, and 90-92. Additionally, the rejections of record do not address the particular messages set forth in claims 15-17, 45, 46, 96, and 97. The rejections of record do not address the logging information set forth in claims 23-26. The rejections of record do not address determining if querying information is to be performed as set forth in claims 29-31. The rejections of record do not address the information comprising the particular indications set forth in claims 39-42 and 81-83. The rejections of record do not address determining a score as set forth in claims 47-54. The rejections of record do not address storing information in a database as set forth in claims 61-64. The rejection of record does not address blocking calls or allowing calls based on the criteria set forth in claims 84-87.

Additionally, Applicant points out that the rejections of record with respect to claims 2-35, 37-70, 72-89, and 91-102 based upon inherency are improper. In order to properly establish a rejection based on inherency, "the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art," M.P.E.P. § 2112, citing *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis original). The Examiner's statement that "[r]egarding claims 2-35, 37-70, 72-89, and 91-102, the limitations of the claims are either inherent or can be found along the teachings of *Falcone* et al. in the patent '540" does not reasonably support a conclusion that the invention set forth in any, much less all, of the foregoing claims necessarily flows from the disclosure of the applied art. As such, the rejection of these claims should be withdrawn.

III. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the claims be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 63134/P003CP1/10308174 from which the undersigned is authorized to draw.

Dated: April 12, 2007

Respectfully submitted,

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is e-filed on the date shown below.

Dated: April 12, 2007

Signature: _____
(Lisa deCordova)